

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

JERRY L. EARNEST,  
Plaintiff,

v.

) CASE NO.: 17-CV-01380-JPG-SCW  
)  
)

BOARD OF EDUCATION OF JASPER  
COUNTY COMMUNITY UNIT SCHOOL  
DISTRICT NO. 1, ANDREW D. JOHNSON,  
Superintendent; Board of Education Members:  
JON FULTON, President; GORDON MILLSAP,  
Vice President; HOLLY FARLEY, Secretary;  
MANDY RIEMAN, MELISSA STANLEY,  
and ROB STREET,  
Defendants.

**PLAINTIFF'S MOTION FOR SANCTIONS DIRECTED TO DEFENDANT**

The Plaintiff, JERRY EARNEST, by his attorney, Greg Roosevelt, moves this Court for sanctions against the Defendant, Board of Education of Jasper County Community Unit School District No. 1, in this case and in support states:

1. In the Initial Disclosure filed by the Defendant, Jasper County Community School District No. 1, Jason Fulton was listed as a witness. Jason Fulton is an employee of the Defendant, Jasper County Community Unit School District No. 1.
2. Jason Fulton's deposition was taken by the Plaintiff on October 4, 2018.
3. A copy of the Defendant's Initial Disclosure identifying Jason Fulton as a witness is attached and made a part by reference. A copy of the deposition notice of Jason Fulton is attached and made a part by reference.

4. Andrew Pullen executed an affidavit on October 16, 2018. The affidavits of Andy Pullen of October 16, 2018 and December 4, 2018, as well as the Affidavit of Mary Pullen of December 19, 2018 are attached and made a part by reference.

5. On October 19, 2018 the Plaintiff disclosed the Affidavit of witness Andy Pullen to the Defendant. A copy of the Plaintiff's Supplemental Initial Disclosure and Production Compliance is attached and made a part by reference.

6. In the affidavit taken of Andy Pullen by Jimmy Hinkle, a licensed investigator retained by Plaintiff, on October 16, 2018, the caption of the case, United States District Court for the Southern District of Illinois Jerry L. Earnest v. Board of Education of Jasper County Community Unit School District #1 et al. appeared prominently on the first page of the affidavit.

7. On Thursday, November 29, 2018 at 6:30 p.m., Andy Pullen was present with his wife, Mary, at the Newton, Illinois bowling alley where they were having dinner.

8. Andy Pullen and his wife were seated in a dining area when Jason Fulton approached the table of Andy Pullen and his wife, Mary. Jason Fulton and the Pullens are not friends.

9. Jason Fulton stated in a harsh and menacing tone that he had read the Affidavit of Andy Pullen and that it was a lie. He referred to the affidavit as being prepared by "that investigator".

10. Fulton further claimed that Jed Earnest had threatened Jason Fulton's children and also stated, "You are with Jed." Pullen responded that he in no way was involved in anything with Jed, Fulton or his family and that he should leave. Jason Fulton raised his voice and in a harsh and threatening manner stated, "I don't believe you." At that time Jason Fulton

approached within one foot of Andy Pullen. Jason Fulton then made comments about Pullen being negative about Jason Fulton's work with the school district and his employment. Pullen stated that he has opinions about the District and Jason Fulton but the only time he has spoken to the school board were on matters regarding finances of the District. Jason Fulton then in a threatening manner called Mr. Pullen a liar. Mr. Pullen stated firmly but politely to Mr. Fulton that he had called him a liar two times and that he should leave.

11. Jason Fulton then looked down and placed himself immediately above Mr. Pullen and stated to Andy Pullen in a threatening manner, "What are you going to do about it?"

12. Andy Pullen felt threatened. The communication and manner of Fulton was made in a threatening manner. Andy and Mary Pullen have never been threatened in this type of manner before. Mr. Fulton's actions and statements placed Andy and Mary Pullen in fear of receiving a battery. Andy Pullen believed that Fulton was threatening and intimidating him to discourage Pullen from being a witness in Jerry Earnest's case.

13. Jason Fulton is at least 6'2" tall, weighing at least 250 pounds and is 44 years old. Mr. Pullen is 5'9", weighs 147 pounds, and is 81 years of age.

14. Andy Pullen and his wife, Mary felt threatened and feared for their safety. Neither could finish their dinner. Mr. Pullen tried to take a drink of water but he was shaking and his hand was so unsteady that he could not hold a glass of water.

15. The Pullens immediately left the restaurant and drove to the Newton Police Department to make a report of the incident.

16. Jason Fulton knew, at the time he engaged in the conduct, that Andy Pullen was a witness in the pending lawsuit in the U.S. District Court for the Southern District of Illinois for the Plaintiff. Fulton admitted that he had read the Affidavit of Andy Pullen. There was no

reason for Mr. Fulton to be making it a point to approach Mr. Pullen and his wife to make threatening statements and to repeatedly call Pullen a liar and state, he, Jason Fulton, had read the Pullen Affidavit.

17. Mr. Pullen reasonably believed that he was being threatened and intimidated and discouraged from his pursuit of his testimony in the case in which he gave an affidavit in *Jerry L. Earnest v. the Board of Education of Jasper County Community Unit School District No. 1 et al.* During the incident on November 29, 2018, Andy Pullen reasonably believed that he was in danger of receiving a battery from Jason Fulton.

18. Plaintiff asserts that the sole purpose of Jason Fulton's actions was to intimidate a witness, Andy Pullen, and discourage the testimony of Andy Pullen in violation of 18 U.S.C. 1512(b).

19. Plaintiff brings this matter to the U.S. District Court seeking sanctions. The U.S. District Court has the inherent power and authority to manage judicial proceedings and to regulate the conduct of those appearing before it, and pursuant to that authority may impose appropriate sanctions to penalize and discourage misconduct. *Ramirez v. T & H Lemont*, 845 F.3d 772 (7th Cir. 2016), *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46-50, 111 S. Ct. 2123, 2134-36, 115 L. Ed. 2d 27 (1991).

20. Whoever knowingly uses intimidation or attempts to do so with the intent to influence the testimony of any person is obstructing justice by tampering with a federal witness. 18 U.S.C. 1512(b). The threat of the use of physical force to influence a witness is violative of 18 U.S.C. 1512(a)(2).

21. Additionally, “Whoever corruptly or by threats of force, or by any threatening letter or communication influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede the due administration of justice shall be (guilty of an offense)”. 18 U.S.C. 1503.

22. “Witness tampering is among the most grave abuses of the judicial process, and as such it warrants a substantial sanction.” *Ramirez*. A district court’s decision to sanction misconduct by dismissing an action or entering a default judgment need only be established by a preponderance of the evidence. *Ramirez*.

23. The conduct of the Defendant, by its employee, Jason Fulton, was an egregious attempt to intimidate and discourage the testimony of a key witness for Plaintiff, Horace A. “Andy” Pullen in this matter.

WHEREFORE, the Plaintiff asks for a Default Judgment in the matter as a sanction against the Defendant, Board of Education of Jasper County Community Unit School District No. 1 in this matter and for such other relief as allowed by law.

Respectfully submitted,

/s/ Greg Roosevelt  
Greg Roosevelt, #02375427  
Roosevelt Law Office  
610 St. Louis Street  
Edwardsville, IL 62025  
(618) 656-9160  
(618) 692-9718 Fax  
[gregroosevelt@gmail.com](mailto:gregroosevelt@gmail.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the **Plaintiff's Motion for Sanctions Directed to Defendant** was sent by email only to the following on the 27th day of December, 2018.

Stanley B. Eisenhammer  
Pamela E. Simaga  
Babak Bakhtiari  
Hodges, Loizzi, Eisenhammer,  
Rodick & Kohn LLP  
3030 Salt Creek Lane, Suite 202  
Arlington Heights, IL 60005  
(847) 670-9000  
(847) 670-7334 (fax)  
seisenhammer@hlerk.com  
psimaga@hlerk.com  
bbakhtiari@hlerk.com

/s/ Greg Roosevelt  
Roosevelt Law Office  
610 St. Louis Street  
Edwardsville, IL 62025  
(618) 656-9160  
(618) 692-9718 Fax  
gregroosevelt@gmail.com

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

JERRY L. EARNEST,

Plaintiff,

v.

BOARD OF EDUCATION OF JASPER COUNTY COMMUNITY UNIT SCHOOL DISTRICT NO. 1, ANDREW D. JOHNSON, Superintendent; Board of Education Members: JOHN FULTON, President; GORDON MILLSAP, Vice President; HOLLY FARLEY, Secretary; MANDY RIEMAN, MELISSA STANLEY, and ROB STREET,

Defendants.

Case No. 3:17-cv-01380-JPG-SCW

Judge J. Phil Gilbert

DEFENDANTS' INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)

Defendants, the Board of Education of Jasper County Community Unity School District ("Board"), Superintendent Andrew Johnson, and Board of Education members John Fulton, Gordon Millsap, Holly Farley, Mandy Rieman, Melissa Stanley, and Rob Street (collectively, "Defendants"), through their attorneys, Stanley B. Eisenhammer and Pamela E. Simaga of Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP, submit their Initial Disclosures pursuant to Fed. R. Civ. P. 26(a). These disclosures are made on the basis of information now reasonably available to Defendants and will be seasonably amended as necessary and appropriate.

A. The name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

1. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

11. Jason Fulton  
31 Homestead Dr.  
Newton, IL 62488

Mr. Fulton has knowledge of Mr. Earnest's conduct leading to events in February through April 2017.

12. [REDACTED]

[REDACTED]

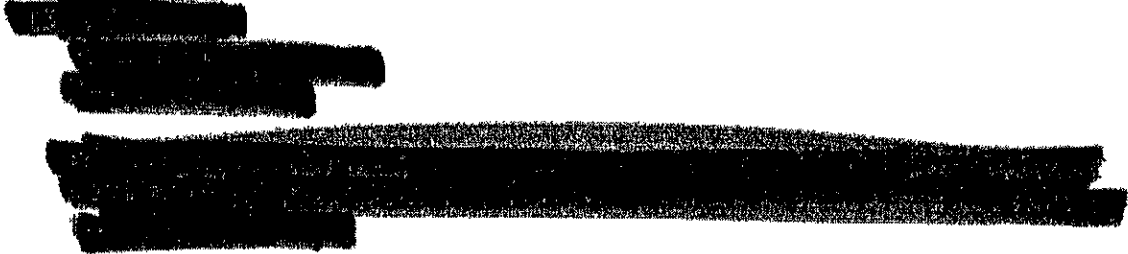
13. [REDACTED]

[REDACTED]



14. H. Andrew Pullen  
5635 E. 1800<sup>th</sup> Ave.  
Montrose, IL 62445

Mr. Pullen has knowledge regarding Mr. Earnest's conduct and dissemination of confidential information and Mr. Earnest's conduct leading to events in February through April 2017.



**B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

1. Documents maintained by the Board at its office located at 609 S. Lafayette St., Newton, IL 62488:

Board policies, minutes, agendas, resolutions, FOIA requests and responses, the confidential emails Mr. Earnest distributed to non-District parties, and records of the Board packets sent to Board members.

**C. A computation of any category of damages claimed by the disclosing party, making available for inspection and/or as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosures, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.**

N/A.

**D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

This matter is covered by the Board's errors and omissions insurance policy, a copy of which is available for inspection and copying upon request.

**SIGNATURE TO FOLLOW**

Board of Education of Jasper County  
School District No. 1, et al.

By: Pamela E. Simaga  
One of the Attorneys for Defendants

Stanley B. Eisenhammer  
Pamela E. Simaga  
Hodges, Loizzi, Eisenhammer,  
Rodlek & Kohn LLP  
3030 Salt Creek Lane, Suite 202  
Arlington Heights, IL 60005  
(847) 670-9000  
(847) 670-7334 (facsimile)  
seisenhammer@hlerk.com  
psimaga@hlerk.com

**CERTIFICATE OF SERVICE**

Pamela E. Simaga, an attorney, hereby certifies that a true and correct copy of the foregoing **Defendants' Initial Disclosures** were served on May 16, 2018, at or before the hour of 5:30 p.m. from 3030 Salt Creek Lane, Arlington Heights, Illinois by electronic and first class mail to the person listed below:

Greg Roosevelt  
Roosevelt Law Office  
610 St. Louis Street  
Edwardsville, IL 62025  
gregroosevelt@gmail.com

  
One of the Attorneys for Defendants

Stanley B. Eisenhammer  
Pamela E. Simaga  
Hodges, Loizzi, Eisenhammer,  
Rodick & Kohn LLP  
3030 Salt Creek Lane, Suite 202  
Arlington Heights, IL 60005  
(847) 670-9000  
(847) 670-7334 (facsimile)  
seisenhammer@hlerk.com  
psimaga@hlerk.com

501951\_1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

JERRY L. EARNEST,

Plaintiff,

v.

BOARD OF EDUCATION OF JASPER  
COUNTY COMMUNITY UNIT SCHOOL  
DISTRICT NO. 1, ANDREW D. JOHNSON,  
Superintendent; Board of Education Members:  
JON FULTON, President; GORDON MILLSAP,  
Vice President; HOLLY FARLEY, Secretary;  
MANDY RIEMAN, MELISSA STANLEY,  
and ROB STREET,

Defendants.

CASE NO.: 17-CV-01380-JPG-SCW

NOTICE OF DEPOSITIONS

TO: All Attorneys of Record

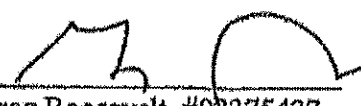
DEPONENTS:	Aaron Kurtz at	9:30 a.m.
TIME	Chris Parr at	10:30 a.m.
	Holly Farley at	12:30 p.m.
	Melissa Stanley at	1:30 p.m.
	Jason Fulton at	2:30 p.m.

DATE: October 4, 2018

LOCATION: Jasper County School District  
609 S. Lafayette Street  
Newton, Illinois 62448

**PLEASE TAKE NOTICE** that attorney, Greg Roosevelt shall take the discovery depositions of the above named individuals at the above date, hour, and place pursuant to the Illinois Supreme Court, before a certified court reporter.

Respectfully submitted,



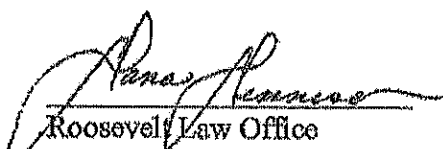
Greg Roosevelt, #02375427  
Roosevelt Law Office  
610 St. Louis Street  
Edwardsville, IL 62025  
(618) 656-9160  
(618) 692-9718 Fax  
[gregroosevelt@gmail.com](mailto:gregroosevelt@gmail.com)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that the **Notice of Depositions** was sent by email to the following on the 13th day of September, 2018.

Stanley B. Eisenhammer  
Pamela E. Sinaga  
Hodges, Loizzi, Eisenhammer,  
Rodick & Kohn LLP  
3030 Salt Creek Lane, Suite 202  
Arlington Heights, IL 60005  
(847) 670-9000  
(847) 670-7334 (fax)  
[seisenhammer@hlerk.com](mailto:seisenhammer@hlerk.com)  
[psimaga@hlerk.com](mailto:psimaga@hlerk.com)

Area Wide Reporting Service  
301 W. White Street  
Champaign, IL 61820  
217-356-5119  
800-747-6789  
Fax 217-356-9551



Roosevelt Law Office  
610 St. Louis Street  
Edwardsville, IL 62025  
(618) 656-9160  
(618) 692-9718 Fax  
[gregroosevelt@gmail.com](mailto:gregroosevelt@gmail.com)

**UNITED STATES DISTRICT COURT**

**for the**

**Southern District of Illinois**

**Jerry L. Earnest**

**versus**

**Board of Education of Jasper County Community Unit School District #1**

**Andrew D. Johnson**

**Superintendent; Board of Education Members:**

**Jon Fulton, President**

**Gordon Millsap, Vice President**

**Holly Farley, Secretary**

**Mandy Riemann**

**Melissa Stanley**

**Rob Street**

**Case Number: 17-CV-01380-JPG-SCW**

**AFFIDAVIT of: Horace A. "Andy" Pullen**

**I, Horace A. "Andy" Pullen, after being first duly sworn upon my oath state as follows:**

- 1. I am over the age of 18 and am a resident of the State of Illinois. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.**
- 2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.**

**The following is a summary of my work and education history:**

- Brownstown Community High School – Brownstown, Illinois - 1955**
- Bachelor's Degree BS – Education – Eastern Illinois University – 1959  
Charleston, Illinois**
- Master's Degree – Education Administration – Eastern Illinois University  
1965 – Charleston, Illinois**
  
- Windsor High School – Windsor, Illinois – one year 1959**
- Oakland High School – Oakland, Illinois – 1960 - 1963**
- Dieterich High School – Dieterich, Illinois – 1963 – 1967**

- Grove Elementary District Unit #1 – Montrose, Illinois – 1967 – 1973  
Principle - Superintendent of Grove Elementary
- Principle for Grove – Rose Hill – Hidalgo – Yale elementary schools  
1973 – 1983
- Insurance Salesman for Independent Insurance – 1983 – 1993
- Principle – Jasper County Unit #1- 1993- 2003
- Retired 2003 - Present

During my tenure as an educator I taught:

- History
- Biology
- Botany
- Junior High Reading
- Junior High Science
- Driver Education
- Physical Education
- Other education and teaching classes

I have known Jed Earnest since the fall of 2010.

I know Jed to be an honest and trustworthy individual. We have had numerous discussions over the years concerning multiple topics dealing with the local school district.

In August of 2016 I was in the office of Bill Fritcher Superintendent for Teutopolis School District. During that meeting we were discussing Jasper County Superintendent Andrew Johnson. Bill said he had been talking to Andrew Johnson about how things were going and Andy said, "I got rid of one board member and if we could get rid of another we'd be in good shape."

I believed at that time and have since that Bill was talking about the resignation of Bill Flowers and that the "second one" he wanted to get rid of was Jed Earnest.

I understand that Investigator Jack Howser from SIR Investigations spoke with Bill Fritcher in December of 2017. Bill has not spoken with me since.

Over the past several years I have requested documents from the Jasper County School Board concerning financial matters including funding for construction projects. Andrew Johnson has gone out of his way to make it as difficult as possible to get documents.

The Jasper County School Board and administration talked for several years about being transparent in their duties but have actually become less and less open. They do not keep the public informed very well. They have even done away with the streaming coverage of their board meetings.

I believe that both Jed Earnest and Bill Flowers have both been targeted by the school board and district administration because they did not vote along with the rest of the school board and questioned finances including a soccer contract, workman's compensation insurance and nepotism when it came to the board's hiring practices.

I learned that Jasper County School Board President Joni Fulton, Jasper County Community School District Unit #1 Superintendent Andy Johnson and Jasper County School Board Attorney Tony Loizzi accused School Board Member Jed Earnest of sending me an email in a "blind carbon copy" format identifying a junior in Newton High School by name. I never received any such email. I have no knowledge of the contents of the email in question or the juvenile's name. Jed never discussed the contents of the email until Jed showed me a copy of a redacted report that a "Jane Doe" had requested a FOIA from the school board.

On Thursday, December 15, 2016 I attended a Truth and Taxation meeting of the Jasper County School Board. The meeting was held at the Jasper County School Superintendent's office, located at 609 South Lafayette Street, Newton, Illinois.

After the meeting, Superintendent Andy Johnson approached me in a hallway and began yelling and screaming at me. Mr. Johnson was yelling and screaming so loud and out-of-control that his face was very red and the veins on his neck was showing. In my opinion, Mr. Johnson was trying to intimidate me.

The only time I addressed the school board was an attempt to gain knowledge of finances, the expenditure and justification of finances also the justification for raising taxes. Me questioning the school board about financial issues frustrated some of them and Mr. Johnson.

I have read the report generated from an interview December 8, 2017 with SIR Investigator Jack Howser and I concur with the contents of it being truthful and accurate. A copy of that December 8, 2017 interview with Investigator Howser is attached with this affidavit.

I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete and under penalty of perjury I affirm the above facts.

Horace Andrew Pullen  
Affiant

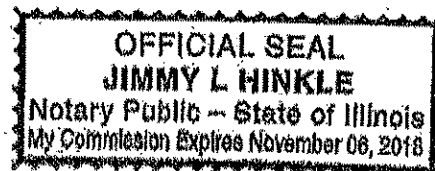
*Horace Andrew Pullen*  
Signature of Affiant

Subscribed and Sworn to before me this 16th day of October 2018.

*Jimmy L. Hinkle*  
Notary of Public

Notary Seal

My commission expires: November 6, 2018





**UNITED STATES DISTRICT COURT**

**for the**

**SOUTHERN DISTRICT OF ILLINOIS**

**Jerry L. Earnest**

**versus**

**Board of Education of Jasper County Community Unit School District #1**

**Andrew D. Johnson -- Superintendent**

**Board of Education Members:**

**Jon Fulton, President**

**Gordon Millsap, Vice President**

**Holly Earley, Secretary**

**Mandy Rieman**

**Melissa Stanley**

**Rob Street**

**Case Number: 17-CV-01380-JPG-SCW**

**AFFIDAVIT of: Horace A. "Andy" Pullen**

**I, Horace A. "Andy" Pullen, after being first and duly sworn upon my oath state as follows:**

- 1. I am over the age of 18 and am a resident of the State of Illinois. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.**
- 2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.**

**On Thursday, November 30, 2018 at approximately 5:00pm, my wife Mary and I went to the Newton Library Book Club meeting. After the meeting we spent some time looking for other books to read and we were the last club members to leave the library. Following the meeting we went to the Newton Bowling Alley to get a sandwich.**

**We arrived at the Bowling Alley at approximately 6:30pm. As we started toward the dining area, Mary noted that the Jason Fulton and his family were sitting at the farthest Northeast table. We entered the dining area and sat down at first available table, which was the farthest table to the Southwest directly East of the checkout area.**

**After we ordered our food and our food arrived, we just started to eat when Mrs. Fulton and her daughter approached from the North going past the cash register. Mrs. Fulton and Mary spoke, afterwards Mrs. Fulton continued into the bowling area or the exit.**

In a few minutes Jason Fulton came directly past our table from behind me. I had my back to him and did not see him until he made a point of saying "Hi Mary". Jason then went on to the line at the checkout area facing me.

Jason said in what could only be described as a very sarcastic tone, "There is a board meeting tonight, so why aren't you there causing trouble as usual".

Jason is a teacher at the Newton Community High, Head Football Coach and the Head Baseball Coach. Jason's brother, Jon Fulton is the President of the Jasper County Community Unit School District #1 Board of Education.

I answered, "I saw the agenda and didn't see much on it." Jason then said very loudly, "How is your retirement?" At that point we both turned toward him we both said, "It is OK".

Jason said again in a very loud voice, "This school district really treated you good didn't it?"

Jason then came directly to our table standing right over the top of us and said to me, "Andy, I have respected you for many years. I do not have any respect for you now!"

I asked him "Exactly what is your problem?" He then told me, "You are with Jed and that man has threatened my children." I then replied to him, "I am not involved in any way with you or your family and Jed".

Jason then said loudly, "I don't believe you." Jason then told me that he had read my interview with "THAT investigator". He then advised me that I told the investigator the only reason Jon Fulton (Jason's brother) had wanted on the school board was to keep his job. I told Jason, "That is my opinion".

I believe the interview Jason was referring to was the affidavit I gave regarding the U.S. District Court case of Jed Earnest has against the Jasper County School District.

At that time, I advised Jason that I have only addressed the school board on matters pertaining to the finances of this school district. However, you do have a current board member; Rob Street, who prior to becoming a school board member, demanded that you be replaced as the varsity football coach. When Rob made this demand the school board meeting was packed with general public. Jason responded to this by saying, "Ray Diel was at that meeting and he told me there wasn't very many people at that meeting and I think you are a liar."

At that point I told him, "That is the second time you have called me a liar and it is time for you to leave." Jason then placed his hands on the table and bent over me and said, "What are you going to do about it?" I responded, "You should leave now." Jason then stood straight up and said, "Goodbye Mary" and left.

I have never been so scared in my life of receiving a battery. I believe Jason Fulton was threatening and intimidating me. I firmly believe he was trying to discourage me of being a witness for Jed Earnest in a Federal Case.

At that point I was very upset and shaking. I was shaking so bad I could not hold my glass of water. My wife Mary was also upset. Mary and I was so upset we did not finish our meal.

Mary and I discussed why Jason went out of his way to openly harass us in a public place.

Since there was a school board meeting about to start, I thought Jed Earnest should be informed of this incident in case Jason went to the board meeting.

I called Jed at approximately 6:50pm. I advised Jed of the incident and stated the only thing Mary and I could think of that might have set Jason off was perhaps related to my recent FOIA request I had made. I am speculating the school board's attorney, Stanley Eisenhammer, had included my FOIA request to one from Jed and stated my FOIA was being denied because Jed and I were working as a group.

I appealed this decision to the Attorney General's office and they responded by giving the school district seven (7) working days to produce more information why they would not grant my FOIA request.

Since Jon Fulton is the president of the school board, he and Jason may have discussed my appeal. This could possibly be why Jason made the statement that I was "causing trouble as usual".

I provided this information to Jed and he believed that we should file an incident report with the Newton City Police. Mary and I talked this over and decided filing such a report was probably in our best interest.

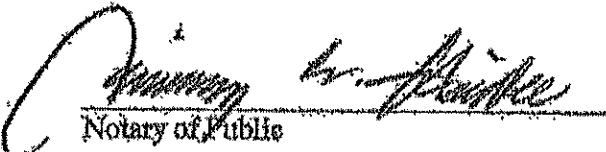
Mary and I drove to the Newton City Police and discovered no one was at the department. Afterwards, we drove to the Jasper County Sheriff's office. After a short time, we met with Patrolman Riley Britton.

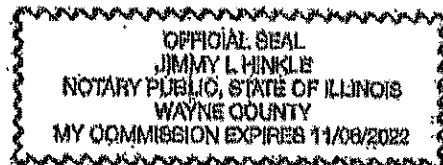
Patrolman Britton took our statement and wrote a police report regarding the incident with Jason. We concluded our meeting by advising Patrolman Britton that we did not want to have another incident of this nature with Jason.

Horace A. "Andy" Pullen  
Affiant

Horace A. "Andy" Pullen  
Signature of Affiant

Subscribed and Sworn to before me this 4<sup>th</sup> day of December 2018

  
Notary of Public



My commission expires on November 6, 2022

\_\_\_\_\_  
Notary Seal

**UNITED STATES DISTRICT COURT**

**for the**

**SOUTHERN DISTRICT OF ILLINOIS**

**Jerry L. Earnest**

**versus**

**Board of Education of Jasper County Community Unit School District #1**

**Andrew D. Johnson – Superintendent**

**Board of Education Members:**

**Jon Fulton, President**

**Gordon Millsap, Vice President**

**Holly Farley, Secretary**

**Mandy Rieman**

**Melissa Stanley**

**Rob Street**

**Case Number: 17-CV-01380-JPG-SCW**

**AFFIDAVIT of: Mary E. Pullen**

I, **Mary E. Pullen**, after being first and duly sworn upon my oath and under the penalty of perjury state as follows:

1. I am over the age of 18 and am a resident of the State of Illinois. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

I have reviewed the affidavit of Andy Pullen. It is true and accurate to the best of my information and belief.

Andy and I were at the Newton Bowling Alley to eat dinner. We ordered our dinner and had begun eating when Jason Fulton approached our table.

When Jason approached Andy, I believed Jason may commit battery on Andy. Andy is 81 years old, is a much smaller and much older than Jason.

When Jason Fulton approached Andy, Jason threatened and intimidated Andy. I also feared that Jason would commit battery on Andy. It was clear that Jason was very angry with Andy because

Andy was a witness and has given an affidavit in behalf of Jed Earnest in a law suit against the Jasper County School Board. Jason Fulton was trying to intimidate my husband.

After the encounter, I noticed that Andy was shaking and was very upset. Andy was shaking so badly when he tried to lift his glass of water, he had to put the glass down.

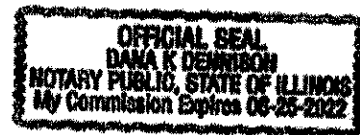
Andy and I could not finish our dinner. We immediately left the bowling alley and drove to the Newton Police Department to make a police report regarding this incident. This is one of the scariest events that I have ever experienced.

Mary E. Pullen  
Affiant

Mary E. Pullen  
Signature of Affiant

Subscribed and Sworn to before me this 19th day of December 2018

Dana K. Denison  
Notary of Public



\_\_\_\_\_  
Notary Seal

My commission expires on August 25, 2022

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

JERRY L. EARNEST,

Plaintiff,

v.

BOARD OF EDUCATION OF JASPER  
COUNTY COMMUNITY UNIT SCHOOL  
DISTRICT NO. 1, ANDREW D. JOHNSON,  
Superintendent; Board of Education Members:  
JON FULTON, President; GORDON MILLSAP,  
Vice President; HOLLY FARLEY, Secretary;  
MANDY RIEMAN, MELISSA STANLEY,  
and ROB STREET,

Defendants.

CASE NO.: 17-CV-01380-JPG-SCW

**PLAINTIFF'S SUPPLEMENTAL INITIAL DISCLOSURE AND PRODUCTION  
COMPLIANCE**


The Plaintiff, JERRY EARNEST, by his attorney, Greg Roosevelt, for his Supplemental Initial Disclosure and Production Compliance provides the following documents, Bates JE1072-  
JE1089:

**Documents**

1. Affidavit of William Flowers with attachments.
2. Affidavit of Horace A. "Andy" Pullen.
3. Affidavit of Heather J. Latta, LCSW.
4. Additional record from Heather Latta, The Wellness Loft.
5. Thumb drive, video of Board of Education Meeting April 20, 2017.

Plaintiff reserves the right to supplement this disclosure.

Respectfully submitted,



Greg Roosevelt, #02375427  
Roosevelt Law Office  
610 St. Louis Street  
Edwardsville, IL 62025  
(618) 656-9160  
(618) 692-9718 Fax  
[gregroosevelt@gmail.com](mailto:gregroosevelt@gmail.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the Plaintiff's Supplemental Initial Disclosure and Production Compliance was sent by ~~email only~~ to the following on the 19th day of October, 2018.

*via U.S. Mail*

Stanley B. Eisenhammer  
Pamela E. Simaga  
Babak Bakhtiari  
Hodges, Loizzi, Eisenhammer,  
Rodick & Kohn LLP  
3030 Salt Creek Lane, Suite 202  
Arlington Heights, IL 60005  
(847) 670-9000  
(847) 670-7334 (fax)  
[seisenhammer@hlerk.com](mailto:seisenhammer@hlerk.com)  
[psimaga@hlerk.com](mailto:psimaga@hlerk.com)  
[bbakhtiari@hlerk.com](mailto:bbakhtiari@hlerk.com)



Roosevelt Law Office  
610 St. Louis Street  
Edwardsville, IL 62025  
618-656-9160 / 618-692-9718 Fax  
[gregroosevelt@gmail.com](mailto:gregroosevelt@gmail.com)

**UNITED STATES DISTRICT COURT**

for the

**Southern District of Illinois**

**Jerry L. Earnest**

versus

**Board of Education of Jasper County Community Unit School District #1**

**Andrew D. Johnson**

**Superintendent; Board of Education Members:**

**Jon Fulton, President**

**Gordon Millsap, Vice President**

**Holly Farley, Secretary**

**Mandy Rieman**

**Melissa Stanley**

**Rob Street**

**Case Number: 17-CV-01380-JPG-SCW**

**AFFIDAVIT of: Horace A. "Andy" Pullen**

I, **Horace A. "Andy" Pullen**, after being first duly sworn upon my oath state as follows:

1. I am over the age of 18 and am a resident of the State of Illinois. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

The following is a summary of my work and education history:

- Brownstown Community High School -- Brownstown, Illinois - 1955
- Bachelor's Degree BS -- Education -- Eastern Illinois University -- 1959  
Charleston, Illinois
- Master's Degree -- Education Administration -- Eastern Illinois University  
1965 -- Charleston, Illinois
- Windsor High School -- Windsor, Illinois -- one year 1959
- Oakland High School -- Oakland, Illinois -- 1960 - 1963
- Dieterich High School -- Dieterich, Illinois -- 1963 -- 1967

JE1083



- Grove Elementary District Unit #1 – Montrose, Illinois – 1967 – 1973  
Principle - Superintendent of Grove Elementary
- Principle for Grove – Rose Hill – Hidalgo – Yale elementary schools  
1973 – 1983
- Insurance Salesman for Independent Insurance – 1983 – 1993
- Principle – Jasper County Unit #1- 1993- 2003
- Retired 2003 - Present

During my tenure as an educator I taught:

- History
- Biology
- Botany
- Junior High Reading
- Junior High Science
- Driver Education
- Physical Education
- Other education and teaching classes

I have known Jed Earnest since the fall of 2010.

I know Jed to be an honest and trustworthy individual. We have had numerous discussions over the years concerning multiple topics dealing with the local school district.

In August of 2016 I was in the office of Bill Fritcher Superintendent for Teutopolis School District. During that meeting we were discussing Jasper County Superintendent Andrew Johnson. Bill said he had been talking to Andrew Johnson about how things were going and Andy said, "I got rid of one board member and if we could get rid of another we'd be in good shape."

I believed at that time and have since that Bill was talking about the resignation of Bill Flowers and that the "second one" he wanted to get rid of was Jed Earnest.

I understand that Investigator Jack Howser from SIR Investigations spoke with Bill Fritcher in December of 2017, Bill has not spoken with me since.

Over the past several years I have requested documents from the Jasper County School Board concerning financial matters including funding for construction projects. Andrew Johnson has gone out of his way to make it as difficult as possible to get documents.

The Jasper County School Board and administration talked for several years about being transparent in their duties but have actually become less and less open. They do not keep the public informed very well. They have even done away with the streaming coverage of their board meetings.

I believe that both Jed Earnest and Bill Flowers have both been targeted by the school board and district administration because they did not vote along with the rest of the school board and questioned finances including a soccer contract, workman's compensation insurance and nepotism when it came to the board's hiring practices.

I learned that Jasper County School Board President Jon Fulton, Jasper County Community School District Unit #1 Superintendent Andy Johnson and Jasper County School Board Attorney Tony Loizzi accused School Board Member Jed Earnest of sending me an email in a "blind carbon copy" format identifying a junior in Newton High School by name. I never received any such email. I have no knowledge of the contents of the email in question or the juvenile's name. Jed never discussed the contents of the email until Jed showed me a copy of a redacted report that a "Jane Doe" had requested a FOIA from the school board.

On Thursday, December 15, 2016 I attended a Truth and Taxation meeting of the Jasper County School Board. The meeting was held at the Jasper County School Superintendent's office located at 609 South Lafayette Street, Newton, Illinois.

After the meeting, Superintendent Andy Johnson approached me in a hallway and began yelling and screaming at me. Mr. Johnson was yelling and screaming so loud and out-of-control that his face was very red and the veins on his neck was showing. In my opinion, Mr. Johnson was trying to intimidate me.

The only time I addressed the school board was an attempt to gain knowledge of finances, the expenditure and justification of finances also the justification for raising taxes. My questioning the school board about financial issues frustrated some of them and Mr. Johnson.

I have read the report generated from an interview December 8, 2017 with SIR Investigator Jack Howser and I concur with the contents of it being truthful and accurate. A copy of that December 8, 2017 interview with Investigator Howser is attached with this affidavit.

I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete and under penalty of perjury I affirm the above facts.

Horace Andrew Pullen  
Affiant

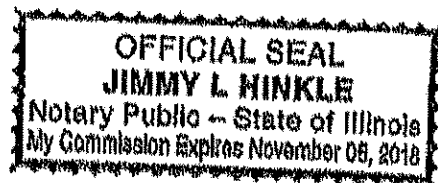
*Horace Andrew Pullen*  
Signature of Affiant

Subscribed and Sworn to before me this 16th day of October 2018.

*Jimmy L. Hinkle*  
Notary of Public

Notary Seal

My commission expires: November 6, 2018



JE1085